



Deposition of:
Megan Missett

September 28, 2021

In the Matter of:
Curling, Donna v. Raffensperger, Brad

Veritext Legal Solutions
800.808.4958 | calendar-atl@veritext.com | 770.343.9696

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12 DEPOSITION OF
13 MEGAN MISSETT
14 September 28, 2021
15 1:07 p.m.
16
17 TAKEN BY REMOTE VIDEO CONFERENCE
18 LaRita J. Cormier, RPR, CCR-2578

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1 APPEARANCES OF COUNSEL:

2 On behalf of the Plaintiffs:

3 CARY ICHTER, ESQUIRE

4 Ichter Davis LLC

5 3340 Peachtree Road NE

6 Suite 1530

7 Atlanta, Georgia 30326

8 cichter@ichterdavis.com

9

10 On behalf of the Curling Plaintiffs:

11 HANNAH ELSON, ESQUIRE

12 Morrison & Foerster, LLP

13 2000 Pennsylvania Avenue, NW

14 Washington, DC 20006

15 Helson@mofo.com

16

17 On behalf of Defendant Secretary of State Brad
18 Raffensperger:

19 DIANE FESTIN LaROSS, ESQUIRE

20 R. DAL BURTON, ESQUIRE

21 Taylor English DUMA LLP

22 1600 Parkwood Circle, Suite 200

23 Atlanta, Georgia 30339

24 Dlaross@taylorenglish.com

25 Dburton@taylorenglish.com

Page 4

1 APPEARANCES OF COUNSEL (Cont'd) :

2 On behalf of Defendant Fulton County:

3 CHERYL RINGER, ESQUIRE

4 Fulton County Attorney's Office

5 141 Pryor Street, Suite 4038

6 Atlanta, Georgia 30303

7 Cheryl.ringer@fultoncountyga.gov

8

9

10

11

12 Also present:

13 MARILYN MARKS, Coalition for Good

14 Governance

15 MATT RIESDORPH, Veritext Concierge

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P R O C E E D I N G S

2

THE REPORTER: Due to the need for this deposition to take place remotely because of the government's order for social distancing, the parties will stipulate that the court reporter may swear in the witness over the Veritext Virtual Videoconference and that the witness has verified that she is in fact Meagan Missett.

9

MEGAN MISSETT,

10

having been first duly sworn, was examined and testified as follows:

12

EXAMINATION

13

BY MS. LaROSS:

14

Q. Ms. Missett, I'm going to be asking you some questions. I just want to make sure I'm pronouncing your name correctly. Is Missett the correct pronunciation?

18

A. Missett is perfect, but you might see that I'm registered to vote as Margaret Missett. That's the name on my birth certificate and the name I fly and vote under, but everyone else calls me Megan.

22

Q. All right, great. I was going to clarify that with you, and I appreciate that you did so.

24

So good afternoon, Ms. Missett.

25

MS. LaROSS: This will be the deposition of

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1 Megan Missett taken by Defendant and Secretary of
2 State Brad Raffensperger, by counsel, via
3 videoconferencing, for the purposes of discovery and
4 all other purposes allowable under the Federal Rules
5 of Civil Procedure. All objections except those
6 going to the form of the question and the
7 responsiveness of the answer are reserved until
8 trial or first use of the deposition, if that is
9 okay with counsel.

10 MR. ICHTER: Stipulated.

11 MS. LaROSS: And Cary, will Ms. Missett be
12 reading and signing her deposition?

13 MR. ICHTER: Yes.

14 BY MS. LaROSS:

15 Q. And Ms. Missett, you went and clarified for
16 us that the name on your birth certificate is
17 Margaret. I wanted to ask you a question -- I'm
18 going to actually -- we're going to start right
19 away, and I'm going to put up an exhibit. Okay.
20 I'm going to put up an exhibit which is your voting
21 record, and then I will ask you a question about it,
22 but let me go ahead and get that placed in the
23 marked exhibit folder. And this will become Exhibit
24 Number MM 2. Okay. All right.

25 (Deposition Exhibit 2 marked)

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1 MS. LaROSS: So I've introduced the
2 exhibit, and everyone can refresh, and hopefully
3 you'll see the exhibit.

4 BY MS. LaROSS:

5 Q. Okay.

6 A. I don't see it. I see the notice to take
7 the deposition.

8 Q. Okay. Go ahead and refresh.

9 A. Not yet. Let me go back to the tree.

10 CONCIERGE RIESDORPH: Ms. Missett, this is
11 Matt with Veritext. If you just click that marked
12 exhibit folder right under your name.

13 A. Now it's in effect. There it is.

14 BY MS. LaROSS:

15 Q. Click on that and open it up, please. I'm
16 going to ask you a couple questions about it.

17 A. Okay. I'm looking at it.

18 Q. Okay. Have you ever seen this document
19 before?

20 A. I saw it about a minute ago when I opened
21 the e-mail from the attorney.

22 Q. Okay. And so take a look at it, and if you
23 would -- and take a moment to do so; that's entirely
24 fine. What I want to verify is that this is your
25 voting record because it does -- it is under

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1 Margaret G. Missett, and I want to make sure that's
2 you. That's all we're doing at this point.

3 A. Yes. I have a question about the last box
4 with entries. I don't know what that is. Where it
5 says Absentee, Absentee, it looks like it has other
6 people's user IDs. You see what I mean?

7 Q. Yeah. I think that was just when the staff
8 was inputting your data into the system.

9 A. Okay. I see. I see there are multiple
10 entries for one voting session. Is that correct?

11 Q. Yes. And that's -- I think you're looking
12 at the box that refers to the processing --

13 A. Yes.

14 Q. -- in terms of votes.

15 A. Yeah. So that was the only thing that was
16 throwing me, that I see yes. I know I voted
17 absentee a few times; I think it's repeating.

18 Q. Okay. So this Exhibit No. 2 that you've
19 been looking at, this is your voting record here in
20 Georgia; correct?

21 A. Definitely seems to be.

22 Q. Okay. You'll need to answer verbally.

23 A. Yes.

24 Q. Okay. I just wanted to make sure we got
25 that straight. And I'm going to ask you some

1 questions about it later in the deposition.

2 A. Okay.

3 Q. But I just wanted to make sure we knew that
4 we had the correct name for you.

5 A. Yes.

6 Q. Okay, all right. So Ms. Missett, I'm just
7 going to go over just some guidelines about the
8 deposition and ask -- the first one we've already
9 kind of gone over. If you could make sure that your
10 responses are verbal so rather than, you know,
11 nodding your head or shaking your head. All verbal
12 responses are easier, and the court reporter is able
13 to take down an accurate transcript of your
14 testimony.

15 A. Okay.

16 Q. So can I have your agreement to answer
17 verbally?

18 A. I will answer verbally.

19 Q. Okay. Thank you. And we'll need you to
20 speak loudly and clearly.

21 A. Okay.

22 Q. And especially in this setting, I know it's
23 hard to do videoconferencing. But the court
24 reporter will most certainly let us know if she's
25 not heard something that you said or, you know, and

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1 I'll let you know if I need you to repeat something
2 that I've not heard. So if you could speak loudly
3 and clearly throughout the deposition, that would be
4 very helpful.

5 A. I will try my best to do that.

6 Q. Okay. Thank you.

7 A. Let me know if you can't hear me.

8 Q. We'll do so. And also, if you would, if
9 you'd let me complete my question before beginning
10 your answer; and that way, again, the court reporter
11 will be able to take a clear transcript of
12 everything that I say and especially your testimony
13 here today. So can I have your agreement to do
14 that?

15 A. Yes.

16 Q. And it's not my purpose in this deposition
17 to confuse you, so if I ask you a question that you
18 don't understand, can I -- can we agree that you'll
19 let me know?

20 A. Yes.

21 Q. And you're being asked to testify here
22 today based upon your own personal knowledge and
23 things that you know about. So we'd ask that you
24 not guess or speculate as to any of your responses
25 to my questions. Is that agreeable to you?

Page 11

1 A. Yes.

2 Q. And if there's -- if you don't have the
3 answer to a question, just let us know that. Is
4 that okay?

5 A. Yes.

6 Q. If at any time you need to take a break
7 during the deposition, it's entirely fine. I would
8 simply ask that before you do so, if, for example,
9 I've already asked a question and you've either
10 started or about to begin your answer, that you just
11 complete the answer to the question that is before
12 you and that we can -- we can take the break. Is
13 that agreeable to you as well?

14 A. Yes.

15 Q. Okay. And one more question. Have you
16 taken any medication that would keep you from fully
17 and truthfully participating in today's deposition?

18 A. No.

19 Q. I'm going to ask you some questions about
20 your preparation for today's deposition. So -- and
21 other than conversations with your attorneys, those
22 are privileged, I don't want you to disclose those
23 to us, I would ask that -- have you reviewed any
24 documents in preparation for your deposition today?

25 A. Yes.

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1 Q. And what documents are those that you've
2 reviewed?

3 A. I've reviewed the declarations that I
4 signed, and I also went back to refresh my memory
5 with some dates.

6 Q. And you said you went back to refresh your
7 dates, sorry, refresh your memory as to some dates.
8 And what documents did you utilize to refresh your
9 memory?

10 A. A variety. Some were photos that were
11 dated at the time that I voted. Some were, you
12 know, posts, social media posts. Some were e-mails.
13 Anyplace where I thought -- I didn't realize I was
14 going to have my voting record here, so I was just
15 looking, you know, as a general sense.

16 Q. And those documents, the photos and the
17 social media posts, do you have those with you here
18 today?

19 A. I don't have them separately, but I have
20 them on my device.

21 Q. I'm sorry, so you said you have them on
22 your device. What are you referring to?

23 A. On my device.

24 Q. On your device?

25 A. Right, so my iPad, which isn't synced to my

Page 13

1 laptop.

2 Q. Okay. So it's an iPad or your iPhone?

3 A. iPad.

4 Q. iPad. And those, can you make those
5 documents or what you reviewed in preparation for
6 your deposition today, will you make those available
7 to your attorney today before we complete your
8 deposition?

9 THE WITNESS: Is that okay, Attorney?

10 MR. ICHTER: It's okay. Call me Cary.
11 That's fine. I'm not making any promises with
12 respect to them, but it's fine if you send them to
13 me. I'll take a look at them.

14 MS. LaROSS: I'm going to ask that you
15 produce them to us.

16 MR. ICHTER: Well, you can ask that all
17 day, but you're not getting them today because I
18 haven't seen them yet, and they haven't been
19 requested prior to the deposition, so...

20 MS. LaROSS: Yeah. But the reason they
21 were not requested prior to the deposition was
22 because we don't know what it is that she's
23 reviewing, and I think we're entitled to see what
24 she's reviewed in preparation for the deposition.

25 MR. ICHTER: I need some authority on that.

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1 MS. LaROSS: Yeah, and we can talk about
2 that later. And once you've had a chance to look at
3 it, you may not have an objection.

4 BY MS. LaROSS:

5 Q. So Ms. Missett, did you speak with anyone
6 other than your attorneys in preparation for your
7 deposition today?

8 A. No, not about anything other than signing
9 on.

10 Q. I'm sure. Did you review the testimony of
11 either Laura Digges or William Digges that was taken
12 in this case in preparation for your deposition?

13 A. No. Those weren't -- no.

14 Q. Did you speak with either Laura or William
15 Digges concerning their depositions?

16 A. I didn't. One of those plaintiffs sent me
17 a message, don't worry, it wasn't too bad; but we
18 didn't speak any further.

19 Q. Ms. Missett, do you live in Fulton County?

20 A. I do.

21 Q. And have you always lived in Georgia?

22 A. No.

23 Q. And tell me what other states where you've
24 lived?

25 A. I've lived in New Jersey, New York,

Page 15

1 Mississippi. I think that's it.

2 Q. And are you from New Jersey?

3 A. Originally.

4 Q. Originally?

5 A. (The witness nods.)

6 Q. So are you from New Jersey originally?

7 A. Yes. I was born there and lived there
8 until I was a teenager.

9 Q. And then how long did you live in New York?

10 A. About ten years, to the best of my
11 recollection.

12 Q. So would that have been sometime when you
13 were a teenager, and then for ten years after that?
14 Is that correct?

15 A. Yeah.

16 Q. And then from New York, did you move to
17 Mississippi?

18 A. Yes.

19 Q. How long did you live in Mississippi?

20 A. Two years, approximately.

21 Q. And then from Mississippi, did you move to
22 Georgia?

23 A. Yes.

24 Q. And what year did you move to Georgia?

25 A. 1996.

Page 16

1 Q. So during the Olympics, I guess?

2 A. Right after the Olympics, yes.

3 Q. And since you moved to Georgia in 1996,
4 have you always resided in Fulton County?

5 A. Yes.

6 Q. Do you have any relatives that live in the
7 Atlanta area?

8 A. No, other than my immediate family, my
9 husband and children.

10 Q. And is your husband's last name Missett as
11 well?

12 A. No. It's Greenwald.

13 Q. And what are the last names of your
14 children?

15 A. Greenwald.

16 Q. Any other relatives north of Atlanta?

17 A. No.

18 Q. Have you ever given a deposition before?

19 A. No.

20 Q. Have you ever testified in court before?

21 A. No.

22 Q. Have you ever testified in the Georgia
23 legislature?

24 A. Yes.

25 Q. And when did you testify in the Georgia

Page 17

1 legislature?

2 A. I don't recall the date.

3 Q. What was -- well, let me ask this: How
4 many times have you testified in the Georgia
5 legislature?

6 A. I don't actually know the number, but it
7 was always in regard to something to do with voting,
8 voting legislation.

9 Q. So it was -- you testified more than once
10 you can say?

11 A. I believe so.

12 Q. Okay. And was it, you know, more than ten
13 times, or was it --

14 A. No. Less than ten times. Can you tell me
15 what is defined as testifying before the
16 legislature?

17 Q. Sure.

18 A. We've had smaller meetings, but you know.

19 Q. Okay, sure. So it would be -- well, let me
20 ask it this way. So what about at a hearing that's
21 held in the Georgia legislature?

22 A. Uh-huh.

23 Q. So is that the circumstance that you have
24 been referring to for your testimony before the
25 Georgia legislature?

Page 18

1 A. Yes, I've done that.

2 Q. Okay. And then was there any other kind of
3 testimony that you gave in the legislature?

4 A. I'm trying to recall whether I testified at
5 any of the citizen participation opportunities; but
6 again, I'm not sure if that would qualify, which is
7 a state committee.

8 Q. Okay. So what -- what committees have you
9 testified at hearings?

10 A. Ooh, that's a good question. Any of the
11 committees that were involved in voting legislation.

12 Q. And when did you testify?

13 A. I don't recall.

14 Q. Would it have -- and what were the issues
15 that you testified about?

16 A. Electronic voting systems; wanting, you
17 know, hand-marked paper ballots; issues with, you
18 know, fair voting, voter suppression.

19 Q. So would you say that the occasions that
20 you testified in front of a Georgia legislative
21 committee has been within the last ten years?

22 A. Yes.

23 Q. And your testimony, did it concern DREs or
24 voting machines, direct recording devices?

25 A. Yeah, DREs.

Page 19

1 Q. Okay. So it's direct recording electronic
2 voting machines, DREs. So you've testified
3 concerning DREs; is that correct?

4 A. I've testified concerning trustworthy
5 voting systems.

6 Q. Did you also give testimony concerning the
7 ballot marking devices, or BMDs?

8 A. I don't recall the language they used.

9 Q. Okay. I'm just trying to get a sense of
10 what time frame your testimony was, so if you could
11 just let me know. So did you testify in the last
12 year to a committee in the Georgia legislature?

13 A. Yes. I can't -- yeah, I'm not sure the
14 date; but anytime that I spoke would have been
15 between 2017 and -- and the last session.

16 Q. And have you spoken at other meetings of
17 Georgia legislators or meetings held in the Georgia
18 capitol, other than the hearings that you talked
19 about?

20 A. Formally, no.

21 Q. How about informally?

22 A. I've had discussions with people while I
23 was in the Georgia capitol.

24 Q. Discussions with whom?

25 A. Various -- various people who are

Page 20

1 interested in voting or other -- other things or
2 lobbying their legislators.

3 Q. Did you speak with any particular
4 legislators?

5 A. Not at the capitol.

6 Q. And have you spoken with legislators
7 anywhere other than the capitol?

8 A. Informally, and sometimes by e-mail or --
9 yeah.

10 Q. And what topics did you speak informally to
11 the legislators?

12 A. Usually things that concern me about
13 voting.

14 Q. And what are those concerns that you
15 addressed with legislators?

16 A. What are my concerns about voting?

17 Q. Yeah, that you addressed with the
18 legislators that you've just referred to.

19 A. I have concerns about the trustworthiness
20 of the electronic voting system in Georgia, and I
21 also have issues with -- with some systematic bias
22 and access to the ballot.

23 Q. So describe what your issues and concerns
24 are pertaining to trustworthiness.

25 A. Oh. You mean with electronic voting

Page 21

1 devices?

2 Q. Yes.

3 A. I have trust issues with the ballot marking
4 devices because independent experts have shown them
5 to be hackable and because there isn't any
6 recoverability. So, for example, you have an
7 electronic failure, it's a hackable device between
8 the voter and the ballot, then you've introduced
9 a compromise, so it's hard to get a real audit or to
10 trust that audit; whereas if you have an electronic
11 failure down the line in counting, you can recover
12 if you've used a hand-marked paper ballot, because
13 you know you have the voter intent. You can go back
14 and rerun it and...

15 Q. And is it fair to say, Ms. Missett, that
16 you are an advocate for hand-marked paper ballots --

17 A. Yes.

18 Q. -- being used in voting?

19 A. Yes.

20 Q. And is that one of the -- was that the
21 primary issue that you addressed in the Georgia
22 legislature when you testified before the
23 subcommittees that you've spoken about earlier in
24 your deposition?

25 A. I -- I believe so, but I don't recall.

Page 22

1 Q. And when you spoke informally with the
2 legislators that you referred to earlier in your
3 deposition, is it fair to say that the primary issue
4 that you addressed with them was the use of
5 hand-marked paper ballots in Georgia?

6 A. Not all of the time.

7 Q. But would that have been -- the majority of
8 the time, is that what you would have addressed with
9 them?

10 A. No. But it would have been one of the
11 major issues, especially around the time of, you
12 know, legislation over voting systems in Georgia.

13 Q. Would you say that the testimony that you
14 gave in the legislature or during formal
15 conversations with legislators, would you consider
16 that you were lobbying?

17 A. I don't consider that I was lobbying, but
18 we may -- we may have a different definition. How
19 would you define lobbying?

20 Q. Well, yes. So how would you define it?
21 And I just want to get a sense of what your role
22 was?

23 MR. ICHTER: I tell you what. Since you
24 used the word for your question, why don't you tell
25 her what you meant, instead of getting her to guess

Page 23

1 about what the question is about.

2 MS. LaROSS: Well, I do think that -- this
3 is my deposition, Cary.

4 MR. ICHTER: No, it isn't. It's everyone's
5 deposition; and if you're going to ask a question,
6 tell her what the question means.

7 MS. LaROSS: Well, I -- I wanted -- I think
8 it's fair to ask her what she understands the word
9 to mean, and then we'll go from there as to whether
10 or not --

11 MR. ICHTER: We're not having a spelling
12 bee or a definition quiz here; we're having question
13 and answer on issues in the case. You asked her
14 whether or not she was lobbying, and she said what
15 do you mean by lobbying. It is a fair question to
16 understand what you are asking, so please tell her
17 what you meant by lobbying.

18 BY MS. LaROSS:

19 Q. What I'm talking about with lobbying,
20 Ms. Missett, is advocating for a particular
21 position.

22 A. If the definition is advocating for a
23 particular position, then yeah, giving background
24 information, then I would have been lobbying, by
25 your definition.

Page 24

1 Q. And was your testimony concerning your own
2 individual experience of voting, or were there --
3 did your testimony cover other issues and matters?

4 A. Covered other issues.

5 Q. Did you testify about your own experience
6 of voting, though?

7 A. I don't recall.

8 Q. You mentioned earlier that your testimony
9 concerned issues with electronic voting; is that
10 correct?

11 A. Yes, because -- yes, I would have spoken at
12 meetings where that was being addressed.

13 Q. And also that you spoke about hand-marked
14 paper ballots, we've already discussed that;
15 correct?

16 A. Yes.

17 Q. And I think you also mentioned previously
18 in your testimony that you -- when you testified, it
19 was concerning fair voting; is that correct?

20 A. Yes. I'm speaking generally because I
21 don't remember each time. I don't like to speak at
22 hearings, so I try to avoid it; but I know I've done
23 it a few times, but I can't -- I can't tell you
24 exactly what I said exactly when. But that's the
25 general content.

Page 25

1 Q. Do you remember what general aspects you
2 addressed concerning fair voting?

3 A. Electronic voting would have been part of
4 it; but also, you know, changing polling places, all
5 the things that make it harder for some people to
6 vote.

7 Q. And when you say the other things, can you
8 tell me more specifically what those other things
9 are that you testified about in the general area of
10 fair voting?

11 A. Voter suppression, electronic voter
12 suppression, old-fashioned voter suppression.

13 Q. Other than the areas that you've told us
14 about thus far in your deposition, is there
15 anything, any other areas or topics that you
16 testified to the Georgia legislature about?

17 A. I don't think so, no.

18 Q. Am I correct to understand that your
19 testimony to the Georgia legislature, the occasions
20 when you testified before the Georgia legislature,
21 have been since the 2017 -- 2017?

22 A. Yes, 2017 would be included. After the
23 2016 general election.

24 Q. Ms. Missett, have you ever been charged
25 with a crime?

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1 A. No.

2 Q. Have you ever been arrested?

3 A. No.

4 Q. Other than this case, have you ever been a
5 party in a lawsuit?

6 A. When I was in practice in Mississippi,
7 there was a relative of a patient who tried to
8 engage a bunch of mental healthcare workers in a
9 lawsuit. That wasn't successful, but I'm not sure
10 how to categorize that.

11 Q. Was that a lawsuit that you were a
12 plaintiff or a defendant? Do you know what those
13 terms mean?

14 A. Yes. It didn't get that far. I was given
15 the information through the Mississippi
16 Psychological Association.

17 Q. Okay. So it doesn't sound like a lawsuit
18 was actually filed; is that correct?

19 A. I think not, but I can't be certain. I
20 didn't have to, you know, testify or...

21 Q. Any other lawsuits other than this one and
22 the matter in Mississippi that you described?

23 A. No.

24 Q. I'm going to ask you some questions about
25 your formal education.

Page 27

1 A. Okay.

2 Q. And so after high school, describe for me
3 your education.

4 A. Sure. I left high school my senior year
5 and got a GED while attending Monmouth College,
6 which is in New Jersey, now called Monmouth
7 University. Then I transferred to Sarah Lawrence
8 College, graduated in 1986. That sound right? Yes,
9 1986. And spent a year working, and then went to
10 graduate school in clinical psych at St. John's
11 University in New York, and I got my Ph.D. in 1992
12 is when it was completed.

13 Q. Okay. So your study with the -- in New
14 Jersey, did you receive a degree from that
15 university as a result of your study there?

16 A. Monmouth University?

17 Q. Yes.

18 A. No, because I transferred to Sarah Lawrence
19 and I got my degree from Sarah Lawrence.

20 Q. And your study at Monmouth, what topic
21 areas or major did you have?

22 A. It was psychology. When I got to Sarah
23 Lawrence, it was psychology with a minor in
24 genetics.

25 Q. And what degree did you receive from the

Page 28

1 Sarah Lawrence College?

2 A. A B.A.

3 Q. And is it a B.A. in psychology and then a
4 minor in genetics?

5 A. No. It's just a bachelor of arts. It
6 didn't specify my major or minor.

7 Q. And you said that you went to St. John's
8 University for graduate studies?

9 A. Uh-huh.

10 Q. And what degrees did you receive from
11 St. Johns?

12 A. I got a Ph.D. in psychology.

13 Q. And was that -- did you receive that in
14 1992, or was that when you started --

15 A. Yes.

16 Q. Is 1992 when you graduated?

17 A. Yes. I defended my dissertation before I
18 went on the required internship. So once I
19 completed the internship, I got the Ph.D., which was
20 '92.

21 Q. Okay. And just in general, what was the
22 topic for your dissertation?

23 A. My dissertation was actually in
24 neuroanatomy, comparative neuroanatomy. That wasn't
25 the clinical work I was doing.

Page 29

1 Q. In what area was the clinical work that you
2 were doing as part of your Ph.D. studies?

3 A. I was -- we did a lot of practical
4 internships and studying and, you know, research
5 fellowships. But the -- the areas I was in
6 generally autism, children and adults with autism,
7 children and adults with PTSD, schizophrenia, adults
8 with schizophrenia.

9 Q. And after your getting your Ph.D. at
10 St. Johns, any further formal education?

11 A. No. There's a trajectory you have to go on
12 to get your license, so in a sense, that is; but
13 it's just the requirements in your state to get a
14 license. You have to have supervised training.

15 Q. So you met the requirements for the
16 licensure in New York; is that correct?

17 A. Yes.

18 Q. And did you practice in New York?

19 A. I did. I didn't have a private practice,
20 but I was working at After Day Treatment Center,
21 which was a joint operation between the board of
22 education and a mental health facility.

23 Q. Okay. And after that, where did you work?

24 A. After that, we moved to Mississippi.

25 Q. And did you also practice in Mississippi?

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1 A. Yes.

2 Q. Did you have a private practice, or was it
3 similar to the work you had been doing in New York?

4 A. It was very different because there's so
5 few services there, so it was spread around.

6 Initially, my husband and I were contracted by a
7 hospital group; and they set up our practice and
8 sent us to clinics in rural parts of Mississippi.
9 But then that hospital group went bankrupt, or fell
10 apart. A lot of the hospitals were changed, so we
11 took over the office and the private practice and
12 continued to work at those clinics through
13 different, you know, supervision or bosses, I mean.
14 So we worked for CommuniCare once we didn't work for
15 the hospital.

16 Q. I think you mentioned that you were in
17 Mississippi for two years; is that correct?

18 A. Yeah.

19 Q. And then how did you move to Georgia from
20 Mississippi?

21 A. Why did we move to -- to Atlanta from
22 Mississippi?

23 Q. Yes.

24 A. We had started a family; and it was very
25 difficult to be, you know, one of the only

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1 psychologists and the only psychiatrist in Northwest
2 Mississippi and be able to have relationships with
3 people when you're seeing everybody's mother and
4 father and boss.

5 And we also, because my husband was the
6 only psychiatrist in a wide area, just saw everyone,
7 including forensic patients, so we often had -- you
8 know, we'd get an inappropriate call from one
9 patient saying, you know, so-and-so is on his way,
10 he's got a gun and he's going to kill you. I'd run
11 up to the roof with the baby, and there were a lot
12 of instances like that, which, you know, made sense,
13 but it was too much. So we decided to move back to
14 a city where we could be a little bit more anonymous
15 and our children could, you know, be free of that
16 burden.

17 Q. And when you moved to Georgia, did you
18 continue to practice?

19 A. I did not.

20 Q. Have you returned to practice as a
21 psychologist?

22 A. No.

23 Q. Since your move to Georgia?

24 A. No.

25 Q. Any other employment here in Georgia?

Page 32

1 A. No.

2 Q. I'm going to ask you a few more questions
3 concerning your education. Have you had any formal
4 education concerning voting or elections?

5 A. No.

6 Q. Sorry, say that again?

7 A. No, I haven't had formal education in
8 voting or elections.

9 Q. Any formal education or training in Georgia
10 election law?

11 A. No, I haven't had formal training.

12 Q. Any formal education or training in Georgia
13 election administration or administration procedures
14 in Georgia?

15 A. No formal training.

16 Q. Have you ever worked at a polling place?

17 A. Yes, I have worked at a polling place.

18 Q. And what jobs have you done at polling
19 places?

20 A. Observation, which is one of the things I
21 didn't refresh my memory dates about, so I would
22 have to go back to see, you know, where and when it
23 was.

24 Q. How many occasions did you work in a
25 polling place?

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1 A. At least three, but I can't be precise.

2 Q. And was that at the same precinct, or what
3 precinct did you work at?

4 A. Once was in DeKalb, twice it was in DeKalb.
5 I'd really have to go back and refresh myself. I
6 don't remember the most recent place where it was.

7 Q. Okay. So it may or may not have been
8 DeKalb?

9 A. No, I definitely did some poll watching in
10 DeKalb and Pleasantdale.

11 Q. And the work that you recall doing in
12 DeKalb, what was your function at the polling place?

13 A. The first time, I was doing it on behalf of
14 the Ossoff campaign, so I was helping voters who
15 were confused and, you know, making sure everything
16 was okay.

17 Q. When you say helping voters who were
18 confused, what do you mean by that?

19 A. If anyone had a problem or looked upset or
20 left the polling place because they were turned
21 away, we could provide any help.

22 Q. What kind of help did you provide?

23 A. That didn't -- that didn't happen in
24 Pleasantdale. It was very smooth.

25 Q. And the other occasions that you worked at

Page 34

1 polling places, do you recall what kind of work you
2 did there?

3 A. Yeah. I don't remember the date and exact
4 polling place the last time, but it was much more
5 circumscribed. They had me in a certain spot, so I
6 just watched.

7 Q. And were there any problems that -- with
8 voting from that experience where you were watching?

9 A. It was one of the first times they were
10 using the BMDs, so there were some issues with
11 unloading them and...

12 Q. So do you mean actually unloading the
13 machines or -- and, you know, close --

14 A. At the end of the night, yeah.

15 Q. Okay. And placed at the precinct or voting
16 place. All right. So on that occasion, did you
17 watch anyone voting, or was it just the placement
18 and the delivery of the machines?

19 A. I did see some people voting, but I
20 couldn't -- it was privacy, so I couldn't see them
21 fill out, you know, I couldn't see their
22 touchscreens that occasion. Can you hear me?

23 Q. Yes. Can you hear us?

24 A. Yes.

25 Q. You can hear me. Okay. Great. So where

Page 35

1 was that --

2 A. I don't recall.

3 Q. -- do you recall?

4 A. (The witness shakes head.)

5 Q. So would it have been in Fulton County, do
6 you think?

7 A. I'm not sure.

8 Q. And what had you being there? You said the
9 first time you went and it was part of the Ossoff
10 campaign?

11 A. Correct.

12 Q. So what occasioned you to be at the polling
13 place that you just described?

14 A. It was probably through one of CGG's, you
15 know, citizen engagement efforts.

16 Q. And CGG, what does that stand for?

17 A. Coalition for Good Governance.

18 Q. And on that occasion, did you observe
19 anyone who had a problem using the ballot marking
20 device?

21 A. I don't believe so, to the best of my
22 recollection. I came in towards the end of voting,
23 and there's more those little -- you know, the
24 workers were just unfamiliar, understandably, with
25 the new equipment.

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1 Q. Did it appear to you that the workers were
2 having any problems with the machines?

3 A. Yes. But it didn't appear to me that they
4 were doing anything inappropriate.

5 Q. Did it appear to you that the people who
6 you observed voting were able to cast ballots?

7 A. Yes. They did complain, though.

8 Q. I'm sorry?

9 A. There were complaints, though, that people
10 wanted handwritten or paper ballots, so that message
11 has been getting out.

12 Q. And did they complain to you, or who did
13 they complain to?

14 A. No. They complained to the air.

15 Q. So you heard them make statements?

16 A. As they came in and out, yeah, or spoke to
17 a poll worker.

18 Q. And you observed them speaking to the poll
19 worker? Is that --

20 A. Yes, to the best of my recollection. But I
21 was really -- to really fully answer your question,
22 I need to look back. I might not remember exactly
23 where and when this was in the past, you know, 2020.

24 Q. And what notes would you have to refer to?

25 A. Usually if I do something like that, I'll

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1 jot a few things down so I don't forget, obviously I
2 have forgotten, but so that I can go back and look.

3 Q. So is this kind of, you keep almost like a
4 diary or just a listing --

5 A. Yes.

6 Q. -- of what your experience was related to
7 voting?

8 A. Nothing formal. Sometimes I just, you
9 know, open a Word document. And I do that after I
10 vote. Certainly in recent years I've done it after
11 I vote as well.

12 Q. Other than what you've described to us, any
13 other occasion where you were working at a polling
14 place that you recall today?

15 A. No. I think the other occasions were being
16 outside a polling place, making sure people knew
17 where to drive in, that sort of, you know, leading,
18 helpful behavior. And then also I did organize
19 people to photograph the poll tapes that are posted
20 outside the polling places at night usually for 24
21 hours.

22 Q. How often have you done that, assisting in
23 photographing the poll tapes?

24 A. I've done that at least three times for at
25 least three elections, and that was one of the

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1 things that the Coalition for Good Governance was
2 involved in as well.

3 Q. What was the purpose of taking photographs
4 of the poll tapes?

5 A. Well, with the DREs, you get a printout
6 from each machine so you can see, you have
7 photographic evidence of what happened with that
8 machine. So sometimes when you see anomalous, you
9 know, results when the results come in, you can go
10 and see what happened at the precinct, was there
11 something funny with one of the machines, was there,
12 you know, statistically crazy things. And a lot of
13 people like to take these so that they can get their
14 own count on election nights. That's one thing you
15 can do. But the other thing is you can analyze the
16 tapes to see some of the machine behavior. It's
17 different with the BMDs.

18 Q. So the photographing the poll tapes, was
19 that when we were using DREs?

20 A. Yes; it continued through using BMDs. And
21 at this point, there are many other organizations
22 involved as well.

23 Q. What other organizations?

24 A. So, so many. It's pretty -- even county
25 committees and, you know, at this point people have

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1 come to see there's value in getting photographs of
2 those tapes; and they want to make sure every
3 precinct is photographed and certainly some
4 candidates want to make sure their precincts are
5 photographed, because it's great data to have. I
6 don't recall the name of some of the -- there's a
7 few national organizations that crowd-sourced it in
8 the last election.

9 MR. ICHTER: Diane, we've been going a
10 little over an hour. I need to take a quick break.
11 Can we take five?

12 MS. LaROSS: That's fine with me.

13 (Recess 2:02 to 2:10 p.m.)

14 BY MS. LaROSS:

15 Q. Ms. Missett, I'll just remind you that
16 you're still under oath. Is that clear to you?

17 A. Yes.

18 Q. And we were talking before the break
19 concerning photographing poll taping, and I have a
20 couple questions about that. So how many occasions
21 did you participate in photographing poll taping?

22 A. I don't recall exactly how many times, but
23 it was several.

24 Q. Would it have been more than ten?

25 A. No.

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1 Q. Would it have been closer to a couple, or
2 would it be closer to ten?

3 A. I would say closer to five.

4 Q. So approximately five occasions of
5 photographing poll taping; is that correct?

6 A. Yeah, at least.

7 Q. Sorry, did you just say at least?

8 A. Yes. I don't recall how many times
9 exactly, but...

10 Q. And where did you do the photographing of
11 poll taping?

12 A. Me personally, usually in Fulton County,
13 DeKalb, and then later in Southwest Georgia.

14 Q. And where in Southwest Georgia?

15 A. Dougherty County, Randolph County, Terrell
16 County, places where it was difficult to get people
17 to do it.

18 Q. And which elections did you photograph poll
19 taping?

20 A. I don't recall exactly which elections,
21 but, you know, general primary, I -- I did it for
22 the last -- the runoff and the general.

23 Q. When you say last runoff, that would have
24 been earlier this year in 2021; correct?

25 A. Right.

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1 Q. And for the runoff, was that when you went
2 down to the various counties in South Georgia? Is
3 that --

4 A. Yes. Also for the general.

5 Q. And on those occasions, were you there on
6 behalf of the Coalition?

7 A. The first few times we did that, the
8 Coalition was really the only organization that was
9 advocating for that in Georgia, to the best of my
10 knowledge. But as time went on, it became a much
11 bigger affair. So the last time it was certainly --
12 it was providing data to the Coalition and to anyone
13 else who wanted the ideas and to share information
14 in an open way.

15 Q. Just a couple questions about your
16 education. Any training or education related to
17 computer hardware or programming?

18 A. Because of the time that I, you know, went
19 to school and got a Ph.D., I had to do FORTRAN and
20 Pascal and that stuff.

21 Q. How about any training or education related
22 to computer hardware that's involved in voting?

23 A. No.

24 Q. Any training or formal education in
25 cybersecurity?

Page 42

1 A. No.

2 Q. Any training or formal education concerning
3 voting equipment?

4 A. No.

5 Q. Any training or education related to
6 computer hacking or insertion of malware in a
7 computer system or voting machine?

8 A. No.

9 Q. Any training or education concerning the
10 operation of a DRE?

11 A. No.

12 Q. Any training or education concerning the
13 operation and functioning of BMDs?

14 A. No, not other than what is available to the
15 general public, no formal classes.

16 Q. Any training or education concerning the
17 operation or functioning of scanners used in
18 conjunction with ballot marking devices?

19 A. No.

20 MR. ICHTER: I missed that class too.

21 BY MS. LaROSS:

22 Q. Now have you ever voted on a DRE?

23 A. Yes.

24 Q. And have you ever voted on a BMD?

25 A. Yes.

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1 Q. And how many occasions have you voted on a
2 BMD?

3 A. March 2020, June 2020. To the best of my
4 recollection, those are the two times.

5 Q. And where did you vote on a BMD in March of
6 2020?

7 A. That was at Scotts Crossing library, an
8 early voting location.

9 Q. Did you have any trouble or difficulty
10 voting on a BMD on that occasion?

11 A. I didn't have trouble operating the BMD.
12 There were some issues with privacy, but operation
13 was fine.

14 Q. And the issues with privacy, what were
15 those issues?

16 A. The way the touchscreens are set up next to
17 each other in a line you have to go in the back and
18 pass everybody's screen to get to an empty voting
19 machine; and this was one of the earlier first times
20 they had used the BMDs, I think.

21 Q. Do you have any knowledge that anyone
22 breached your privacy while you were voting --

23 A. No.

24 Q. -- on the BMD?

25 A. I don't have any knowledge that anyone

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1 breached my privacy.

2 Q. Do you have any knowledge that anyone
3 else's privacy was breached when you voted in March
4 of 2020?

5 A. No, just the observation that they were
6 visible to other voters, but...

7 Q. But you have no evidence that someone
8 actually did breach the privacy of another voter; is
9 that correct?

10 A. I have no evidence that someone looked at
11 someone else's -- into their side.

12 Q. And how about in June of 2020, did you have
13 any problems operating the BMD during that election?

14 A. That was -- that was the time it was -- it
15 was a four-hour wait in line. A part of that was
16 because the BMDs weren't operating and -- but when I
17 got in at the end of the night, I didn't have
18 trouble operating the BMD. I did see I could see
19 other touchscreens. I didn't look at them, but they
20 were visible.

21 Q. And what was the location of the polling
22 place where you voted on a BMD?

23 A. That was C.T. Martin Natatorium.

24 Q. And both times that you've described voting
25 on BMDs, those were in Fulton County; correct?

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1 A. Yes.

2 Q. When -- when you voted in June of 2020, did
3 you have occasion to place a paper ballot into a
4 scanner?

5 A. The thing you go to print out?

6 Q. Uh-huh.

7 A. Yes.

8 Q. Let me ask it this way: So in March of
9 2020, describe your operation of the BMD and the
10 steps that you undertook to vote in that election.

11 A. There was the added situation of the
12 pandemic and having to clean machines in between, so
13 that was different. I used the touchscreen. I made
14 my selections. The ballot printed out. It had a QR
15 code and some lines that showed me where I voted. I
16 did check those, because I know to check them. Then
17 I went over to the area where you hand in your
18 ballots to be put into the scanner.

19 Q. Did you understand whether or not your vote
20 counted in that election?

21 A. I don't know.

22 Q. Do you believe that it did count?

23 A. I don't know.

24 Q. Let's go ahead and look at what's been
25 marked Exhibit 2.

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1 A. Are you looking at a document that's
2 already there?

3 Q. Yes. Your voting record, that's what we're
4 looking at.

5 Ms. Missett have you had a chance to take a
6 look at Exhibit No. 2, your voting record?

7 A. I'm looking at it.

8 Q. If you would look on the second page; and
9 on the far left, there's an indication where it says
10 March 24th, 2020, PPP, which is the Presidential
11 Preference Primary. And if you follow that line
12 across, and it says "yes." Do you see where it says
13 "yes"?

14 A. No. Can you direct me there? It's the
15 second box? Okay. I see it. I see where it says
16 yes.

17 Q. Okay. And if you go back to page 1 at the
18 top of the column where it says yes, all the way
19 through the column, do you see where it says
20 Counted?

21 A. Yes.

22 Q. So this report indicates that your vote
23 counted in March of 2020. Do you have any reason to
24 dispute that information?

25 MR. ICHTER: I'm going to object. She was

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1 not involved in the preparation of the document.
2 She has no information about how it was prepared.
3 There's no foundation for this question. All she
4 has is a piece of paper that she saw for the first
5 time today in front of her.

6 MS. ELSON: The Curling plaintiffs will
7 join that objection and have a standing objection to
8 any others going forward.

9 BY MS. LaROSS:

10 Q. And so let me ask the question,
11 Ms. Missett: Do you have any reason to believe that
12 your vote did not count in March of 2020?

13 A. I don't feel I can be sure that it counted.

14 Q. Do you have any evidence that it did not
15 count?

16 A. No, I don't have evidence that it didn't
17 count.

18 Q. As to your vote cast on a ballot marking
19 device in June of 2020, do you have any evidence
20 that that vote did not count?

21 A. I don't have evidence that that vote didn't
22 count. I don't have direct evidence, no. I should
23 point out that you might not have noticed, but I
24 requested an absentee ballot at that -- during that
25 election from Fulton County, and it didn't arrive.

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1 And that's -- so that's why I think it shows a
2 request.

3 Q. And that was a request you made to Fulton
4 County for --

5 A. Yes.

6 Q. -- the absentee ballot?

7 A. Yeah. And I did follow up with them, and
8 they tried to get it to me, but they didn't end up
9 sending it in time, so I felt like I was the most
10 devoted person on the Friday on the last day of
11 voting.

12 Q. So you voted on the Friday during the last
13 day of early voting for that election in person?

14 A. Right, because I waited 'til the last
15 minute to see if I could get my absentee.

16 Q. And are you a member of the Coalition for
17 Good Governance?

18 A. Yes.

19 Q. Are you a member of any other voter rights
20 group?

21 A. Affiliated with many voting rights groups.

22 Q. So your affiliation with the other groups,
23 are you a member of the other groups?

24 A. You have to define "member." I mean, I
25 do --

1 Q. Many organizations have certain
2 requirements of becoming a member, and you mentioned
3 that you are a member of the Georgia Coalition for
4 Good Governance, so I'm asking that kind of -- are
5 you a member similarly in other organizations?

6 A. Yes, similarly.

7 Q. Okay. And what are those organizations?

8 A. You know, support organizations like Black
9 Voters Matter and Common Cause and ACLU of Georgia.
10 I'm very -- you know, I amplify their work and I
11 sometimes attend meetings and I send out information
12 about the things that they're involved in.

13 Q. And you said something about that you
14 amplify their work. What does that mean?

15 A. On social media.

16 Q. So that would involve posting some of their
17 work on social media; correct?

18 A. Retweeting, make sure, you know, citizens
19 get engaged and know what's going on.

20 Q. And you work for the Georgia Coalition for
21 Good Governance. Did that -- have you held any
22 official positions with that Coalition for Good
23 Governance?

24 A. No.

25 Q. And when did you become a member of the

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1 Coalition for Good Governance?

2 A. I got involved with them, I think it was
3 June -- try to -- it's difficult to remember exactly
4 when it happened. I know that I had become
5 interested in election integrity, and Coalition for
6 Good Governance was very uniquely addressing those
7 issues, so I think I heard them speak very soon
8 after the Ossoff election. I think it was around
9 June 2017, but I'm not certain.

10 Q. And what work have you done on behalf of
11 the Coalition for Good Governance?

12 A. All kinds of volunteer work. One of the
13 things I like about the organization is they're very
14 dedicated to citizen participation, education, but
15 not just, you know -- or make information available,
16 you know, cybersecurity experts say, hey, go out,
17 find out who your election board is, go to those
18 meetings. And I really do like that, and I try to
19 help bringing that to the public. They also do some
20 voter protection around the electronic stuff,
21 letting people know what can happen, what you should
22 do if it does happen. I was happy to help out with
23 those sort of things.

24 Q. In what ways did you help out?

25 A. Usually social media, organizing

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1 information in an easy way to look at on your screen
2 or to print out if you're going to the polls.

3 Q. Anything else?

4 A. Mostly -- mostly the social media stuff,
5 outreach, letting people know when meetings are,
6 letting people know what is happening with the
7 legislation.

8 Q. Was that related to Democracy Spring
9 Georgia?

10 A. Democracy Spring Georgia is one of the
11 organizations that's been involved with Good
12 Governance, I believe.

13 Q. When you say you post information on social
14 media, describe what you're referring to there?

15 A. I'm talking about Twitter and Facebook.

16 Q. And on Facebook, is that your own account
17 or is there a Facebook group that you're posting
18 for? Explain that.

19 A. It's both. It's from my own account, and
20 there was also a Friends of Coalition for Good
21 Governance account for a while before I believe
22 Coalition had one of their own accounts. And that
23 would be just supportive stuff, information on
24 meetings.

25 Q. Ms. Missett, I'm going to ask you some

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1 questions concerning your claims in this case; and
2 for these questions, I'm not asking you for a legal
3 conclusion, I'm just asking you for your
4 understanding. So what is your understanding of
5 what the claims are that are pending in this
6 lawsuit?

7 A. I thought you were going to ask me what my
8 concerns were.

9 Q. No. I'm asking for your understanding of
10 what the claims are that you made in this
11 litigation.

12 A. That I've made in this litigation.

13 Q. As a party, the plaintiffs bring the claims
14 in the litigation.

15 MR. ICHTER: She may be a little confused
16 thinking you're suggesting that she's made
17 individual claims. We're talking about the claims
18 that are common to all of the plaintiffs in the case
19 and what remedies they're seeking; right?

20 THE WITNESS: Yes, I see what you mean.

21 BY MS. LaROSS:

22 Q. Yes, so let me ask it again. So I want to
23 know what your understanding is of the claims that
24 have been brought in this lawsuit.

25 A. Can you be more specific? Because there

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1 have been a lot of claims in the lawsuit. I mean, I
2 can give a general answer that what the plaintiffs
3 are looking for to see the best practices, best true
4 practices put into place in Georgia, like
5 hand-marked paper ballots, like chain of custody,
6 you know, in general, based on cybersecurity experts
7 or independents.

8 Q. So other than what you have described, are
9 there any -- do you have any understanding of any
10 other claims or issues that are addressed in this
11 lawsuit?

12 A. Yeah. There's -- it's very specific
13 getting, you know, recommendations about ways to fix
14 some of the problems to increase transparency. But
15 I don't know if I can speak to it at that level.

16 Q. Okay. Fair enough. And when -- let me
17 strike that.

18 What is your purpose in participating in
19 this litigation?

20 A. I was happy to be involved because I was
21 really worried about election security, voter
22 suppression, things that were happening with the
23 DREs and then the BMDs.

24 Q. And what -- strike that.

25 So how did it come about that you became a

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1 plaintiff in this case?

2 A. I was asked by Marilyn Marks, who is the
3 director of Coalition for Good Governance.

4 Q. And what did she tell you about
5 participating as a plaintiff in this litigation?

6 A. If I recall, she -- I think the -- it was
7 a -- it's a lawsuit that was -- that was, you know,
8 reemerging, had been already in effect.

9 Q. Do you know when it was that you became a
10 plaintiff in this case?

11 A. It was February -- I can't remember if it
12 was 2017 or 2018. Do you have that information?

13 Q. Yes. It's my understanding that you became
14 a party to the lawsuit when the third amended
15 complaint was filed in 2018. Does that sound
16 correct?

17 A. February 2018, okay. Yeah. April 2018.

18 Q. And what was it that you were just checking
19 there to check the date?

20 A. I think it was dates I had jotted down.

21 Q. And what other items have you jotted down
22 on that list that you just referred to?

23 A. Just -- just dates and, you know, voting,
24 few dates.

25 Q. And have you referred to that document

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1 previously in the deposition so far?

2 A. No. That's the first time I looked.

3 Q. And was that something that you prepared on
4 your own, or was that something that was --
5 something you were requested to do?

6 A. No; most definitely did it on my own.

7 Q. And we're going to ask to see a copy of the
8 document you're referring to, Ms. Missett.

9 A. Uh-huh.

10 Q. That's something I would ask that you send
11 to Cary, and then we would expect that he would
12 forward it on to me.

13 And you voted -- you voted in numerous
14 elections here in Georgia; correct?

15 A. Yes.

16 Q. Have you voted in any other state?

17 A. Yes.

18 Q. And what other states have you voted in?

19 A. New Jersey and New York. Don't have a
20 recollection of voting in Mississippi.

21 Q. Do you have any evidence that any votes
22 that you cast in any Georgia election were not
23 counted?

24 A. I don't have evidence that they weren't
25 counted.

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1 Q. Do you have any evidence that any of the
2 votes you cast in Georgia have ever been changed?

3 A. I don't have evidence if they've been
4 changed.

5 Q. Do you have any evidence that any DRE used
6 in an election here in Georgia was ever actually
7 hacked?

8 A. I wouldn't know. I wouldn't be able to
9 tell.

10 Q. Sorry, there was typing going on. I
11 couldn't quite hear your answer. Can you repeat
12 your answer, please?

13 A. Well, my understanding is the servers were
14 erased. But that is something that maybe could have
15 been ascertained, but I don't have evidence that my
16 votes were directly hacked. There is evidence that
17 there was a probe of the voting system.

18 Q. And then -- and what is that evidence?

19 A. Well, I didn't collect the evidence. I'm
20 not the FBI, but I think it's commonly known that
21 information is available.

22 Q. And what election was that related to, the
23 probe that you just talked about?

24 A. I believe it was 2016; but I'm, you know,
25 not an expert.

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1 Q. Did you have any evidence that any election
2 during 2016 was hacked?

3 A. Can you be more specific about hacked?

4 Q. Yes. Just that there was some intervention
5 into the computer system, that there was
6 irregularities that happened or that some -- some
7 outside group or individual was able to get into the
8 voting system.

9 A. There's evidence that there were issues
10 with poll books, but it's to my knowledge not
11 evidence as to who did that or why or whether it was
12 a glitch or intentional.

13 Q. Do you have any evidence that there was
14 malware inserted in any BMD during any election in
15 Georgia?

16 A. No. My concerns are over the possibility,
17 meaning that that could happen; but I don't have any
18 evidence that that happened to my vote.

19 Q. What about anyone else's vote? Do you have
20 any evidence that there was malware inserted in
21 connection with any votes in any election on a BMD
22 here in Georgia?

23 A. I can't really speak to that. I don't know
24 what steps were taken to ascertain if that happened.
25 But I don't have evidence that my vote was tampered

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1 with.

2 Q. Do you have any knowledge that any votes
3 that were cast in Georgia on a BMD, that there was
4 malware inserted in relation to those votes other
5 than your own? Do you have any evidence of any
6 other votes?

7 A. No, not of another vote, only the
8 possibility.

9 Q. They tell you that there's a possibility of
10 malware being inserted in voting machines in
11 Georgia, but do you have any evidence that any
12 vulnerabilities in the system, in the BMDs has
13 actually resulted in the insertion of malware?

14 A. No, I don't have any evidence about the
15 insertion of malware.

16 Q. And when you voted on the BMDs on the two
17 occasions that you've described, have the concerns
18 that you've talked about about the machines, have
19 they come to fruition, that you know of?

20 A. Like what -- no. Can you be more specific?

21 Q. Yeah. I just want to -- because I know you
22 mentioned that you had concerns about problems with
23 BMDs.

24 A. Uh-huh.

25 Q. And I'm asking you if you have any evidence

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1 that any of those concerns actually happened.

2 A. To my -- I would not be able to come to a
3 conclusion about that because they aren't -- they're
4 compromised, they're not auditible, so I can't say.

5 Q. So as you sit here today, you can't say
6 that there -- any of the problems that you're
7 concerned about with the BMDs have actually
8 happened?

9 A. I can't say whether they did or didn't.

10 Q. And do you have any plans to vote on BMDs
11 in the future?

12 A. I think I've finally given up on that. I
13 was a holdout, maybe foolishly, because I like to
14 vote in person. But for all the problems with
15 mail-in voting and how those votes are counted and
16 the chain of custody, it's still more recoverable
17 than voting on a BMD. It's a hand-marked paper
18 ballot.

19 Q. And then is it your testimony that it is
20 your plan in future elections here in Georgia to
21 vote by absentee ballot?

22 A. That's my tentative plan. The problem is
23 will I get my absentee in time, and also the mail in
24 Fulton and DeKalb has been really problematic. So
25 if there aren't drop boxes, I have to take that into

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1 consideration.

2 Q. But as long as all of those things happen
3 correctly, you'll be voting in the future by
4 absentee ballot; correct?

5 A. While there are BMDs, yeah.

6 Q. I'm going to introduce another exhibit. If
7 you would just give me a minute.

8 (Deposition Exhibit 3 marked)

9 BY MS. LaROSS:

10 Q. Go ahead and refresh on Exhibit Share,
11 Ms. Missett.

12 A. The document is 003?

13 Q. Correct, Exhibit 003.

14 A. Okay.

15 Q. Do you see that? Are you seeing that
16 exhibit, Ms. Missett?

17 A. Yes.

18 Q. Okay. And let me know when you've had a
19 chance to take a look at it.

20 A. Okay.

21 Q. And what is that document that you've just
22 reviewed that's been marked as Exhibit 003?

23 A. This is the Declaration of Megan Missett
24 which was filed 10/23/19.

25 Q. And is this your declaration?

1 A. Yes.

2 Q. And on the last page, is that your
3 signature --

4 A. Yes.

5 Q. -- at the end of the declaration?

6 A. Yes, it is.

7 Q. And is this one of the documents that you
8 reviewed in preparation for your deposition today?

9 A. Yes.

10 Q. I'm going to mark another exhibit. Sorry,
11 it's going to take me a second. I think I mixed
12 these up.

13 (Deposition Exhibit 4 marked)

14 MR. ICHTER: Is there a question pending?

15 MS. LaROSS: I'm so sorry, Ms. Missett. I
16 wanted you to look at the exhibit.

17 BY MS. LaROSS:

18 Q. Ms. Missett, have you had an opportunity to
19 look at what's been marked Exhibit 004?

20 A. Yes.

21 Q. And I apologize for the delay. I thought
22 you were still looking at it. Have you completed
23 your review of Exhibit 4? You'll have to answer
24 verbally.

25 A. Yes.

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1 Q. And is this a declaration that you gave in
2 this case, Ms. Missett?

3 A. Yes.

4 Q. And on the last page of the document, is
5 that your signature?

6 A. Yes.

7 Q. And was that the -- a declaration that you
8 referred to earlier that you reviewed in preparation
9 for your deposition?

10 A. Can you be more specific about reviewed?
11 It was -- you know, I was given a chance to see it.

12 Q. Okay. It was my understanding from your
13 earlier testimony, correct me if I'm wrong, that in
14 preparation for your deposition today you reviewed
15 two declarations that you gave in this case. Is
16 that correct?

17 A. That's correct, they were, yes.

18 Q. Okay. And this Exhibit No. 4, is that the
19 second declaration that you reviewed in preparation
20 for your deposition today?

21 A. I've reviewed both but not in order.

22 Q. Okay. But this is -- okay. So now I've
23 shown you with Exhibit 3 and Exhibit 4. Those are
24 the two declarations that you reviewed in
25 preparation for your deposition; correct?

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1 A. Yes.

2 Q. And that's all that I have about those two
3 exhibits at this point. Ms. Missett, have you read
4 any reports prepared by Dr. Halderman in this case?

5 A. Not recently but in the past.

6 Q. And the report by Dr. Halderman, was that
7 in connection with this lawsuit?

8 A. Yes, in connection with this lawsuit and
9 also other testimony and writings he's published
10 about BMDs.

11 Q. And the report by Dr. Halderman, was there
12 anything contained in that report that pertained
13 specifically to the Georgia Dominion system?

14 A. I'd have to review it, I'd have to look at
15 it again.

16 Q. And when was it that you looked at that
17 report?

18 A. I don't recall when it was.

19 Q. Was it within the last year?

20 A. Likely.

21 Q. Did you say likely?

22 A. Yes, it's likely it was within the last
23 year.

24 Q. Do you recall what Dr. Halderman's findings
25 were?

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1 MS. ELSION: I'd like to caution the witness
2 not to reveal anything pertaining to conversations
3 with experts in this case as it pertains to work
4 product or the common interest privilege that we
5 hold in this case.

6 MS. LaROSS: Again, that's not at all what
7 my question pertained to.

8 BY MS. LaROSS:

9 Q. Ms. Missett, your review of the report that
10 you've spoken about by Dr. Halderman, what were the
11 findings that he articulated contained in the report
12 that you reviewed?

13 A. I -- I don't recall. I'd have to review
14 it.

15 Q. Do you know generally what the findings
16 were?

17 A. I don't recall. I'd have to review it.

18 Q. Ms. Missett, do you believe that the
19 results of the presidential election held on
20 November 3rd, 2020, in Georgia are valid?

21 A. I couldn't say one way or the other.

22 Q. So as you sit here today, you're not sure
23 whether or not the results for the presidential
24 election held on November 3rd, 2020, in Georgia are
25 valid?

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1 MR. ICHTER: What do you mean by valid,
2 Diane?

3 MS. LaROSS: That they're valid, that
4 they --

5 MR. ICHTER: What does that mean?

6 MS. LaROSS: That they stand. I'm not --
7 and this is --

8 MR. ICHTER: In order to answer the
9 question, she has to understand what the question
10 means.

11 MS. LaROSS: Yeah, but it's not your
12 opinions today.

13 MR. ICHTER: Do you mean legally
14 enforceable? Is that what valid means?

15 MS. LaROSS: Cary, if you don't understand
16 what the word means, that's one thing, or what the
17 reference is. The witness did not indicate that she
18 did not understand what valid meant.

19 A. I don't understand.

20 MR. ICHTER: She's my client, and she won't
21 answer a question until you tell us what you mean by
22 what "valid" means in the context of the question.

23 MS. LaROSS: So you're instructing her not
24 to answer my question?

25 MR. ICHTER: I'm asking you what do you

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1 mean by "valid." Is that too much to ask? I mean,
2 if it's just too much to ask for you to define a
3 core concept in your question, let me know that. I
4 find that troubling, but tell me that because I'd
5 like that to be on the record.

6 MS. LaROSS: And I'd like it to be on the
7 record whether you're instructing her not to answer
8 the question.

9 MR. ICHTER: I'm asking you what do you
10 mean by the term "valid."

11 MS. LaROSS: Madam Court Reporter, could
12 you read back my last question, please?

13 (The reporter read the requested material.)

14 MS. LaROSS: Was there an answer.

15 (The reporter read the requested material.)

16 THE REPORTER: No. "Objection. What do
17 you mean by valid?"

18 MS. LaROSS: Okay. I'll withdraw the
19 question.

20 BY MS. LaROSS:

21 Q. Ms. Missett, do you have any evidence that
22 any component of the Georgia election system was
23 actually hacked prior to or during the elections
24 held on November 3rd, 2020?

25 A. I don't have any personal evidence that

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1 they were hacked.

2 Q. Do you have any evidence that any malware
3 was actually inserted into any component of the
4 Georgia election system prior to or during the
5 elections held on November 3rd, 2020?

6 A. No.

7 Q. Do you have any evidence that the results
8 of any election held in Georgia on November 3rd,
9 2020, were actually changed in any way?

10 A. I don't have any direct evidence.

11 Q. And let me ask that a little bit more
12 specifically. Do you have any evidence that the
13 results of any election held in Georgia on November
14 3rd, 2020, were actually changed in any way as a
15 result of hacking of or insertion of malware into
16 any component of the system?

17 A. You're asking me questions I can't answer
18 because BMDs aren't auditible, so I can't venture to
19 say that I have faith in the results when I don't
20 have evidence that they were hacked. I don't know,
21 and neither do you.

22 Q. Well, that's what my question is is if you
23 have evidence of actual hacking. And I understand
24 that question to be no. Is that correct?

25 A. (The witness nods.)